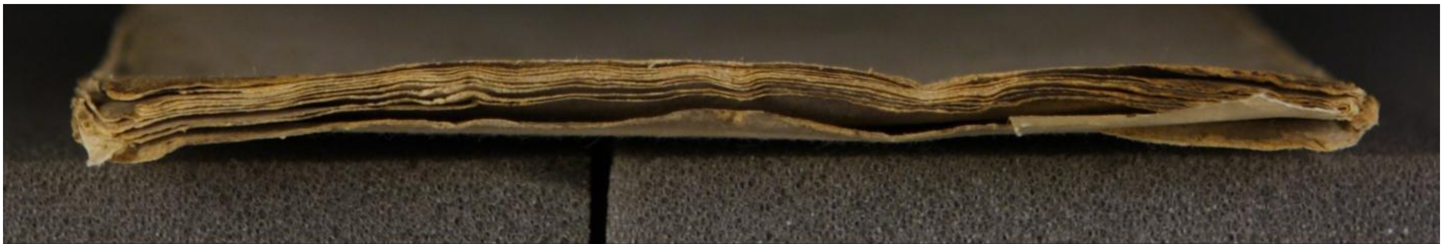
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M. Tuscher fecit

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371.

ASSERTIONES DE OCTAVA DECALOGI LEGE, PROPOSITÆ IN DISPVTATIONEM

à

NICOLAO HEMMINGIO.

in Decembrj 1572.

Hafniæ,
IMPRESSIT LAVREN-
tius Benedictj.
1572.

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1.

IN HAC LEGE, VT IN omnibus alijs, duo ſpectanda ſunt, videlicet, ratio & finis. Quæ ſi rectè æſtimentur, facile apparebit, & quid ea præcipiatur, & quid probibeatur.

2.

Ratio quidem hæc eſt: Quoniam Deus eſt verax, vult ſuam creaturam amare veritatem, & odiſſe mendacium. Finis verò, vt veritatem ſine fuco colētes, ſanctius & tranquillius, & in Eccleſia & in humana ſocietate, viuamus, imaginem Dei portantes in veritate & iuſticia.

3.

Quidquid ergo à ratione hac proficiſcitur, & ad hunc finem iuſto ordine tendit, hoc præcepto mandatur, & quidquid quouis modo vel à ratione vel à fine deflectit prohibetur.

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4.

Hinc patet quòd vt veritas omnis in dictis & factis præcipitur, ita omne mendacij genus in ijſdem prohibetur & damnatur.

5.

Sapientes illi, qui primi dederunt rebus nomina, vt docerent ueritatem lege naturæ requiri, & mendaciū eſſe contra naturam, conceptum mentis & ſermonem vno nomine λόγον *nominarunt. Volebant enim hoc modo ſignificare* λόγον *alium fonti alium riuo ſimilem eſſe. Fonti quidem, qui mente concipitur, atq; ideo* ἐνδιάθετος *cognominatur: riuo verò, qui per os linguamque profluit, ex quo* προφορικὸς *appellatur.*

6.

Iam verò, vt eſt ſecundum naturam, vt riuus ſapiat fontem à quo profluit, & contra naturam ſi fetidus ri-

uus

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uus à dulci promanet fonte: ita ſecundum naturam eſt, cum λόγοσ externus congruat cum interno, & contra naturam, ſi ab eo diſcrepet.

7.

Porro quoniam hæc lex octaua prohibitiua eſt, vt quæ prohibeat falſum teſtimonium, quo per Synecdochen omne mendacium comprehenditur, dicemus de mendacio, eiuſque generibus.

8.

Eſt autem mendacium, omne dictum & omne factum cui veritas non ſubeſt, quauis cauſa, quouis fine, & quauis intentione prolatum aut fictum. Cuius genera ſunt plura.

9.

Vt autem omne mendacium vel in dictis, vel in factis verſatur: ita committitur dupliciter, videlicet in doctrina, & in vita.

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10.

In doctrina committitur mendacium, cùm vel in religione ab analogia fidei diſceditur, vel in artibus à principijs certò perceptis aberratur.

11.

Mendacium in religione commiſſum, ſi eſt cōtra analogiam fidei ſeu fundamentum, omnium pernitioſiſſimum eſt. Sub quo mendacio omnes hæreſes continentur.

12.

In artibus mendacium leuius eſt, videlicet, cùm non reƐtè applicatur rebus in Philoſophia iudicandis demonſtratio, quæ amuſſis philoſophica dicitur. Nam vt fabri ſuam amuſſim ſequantur ne in ædificando peccent: ita philoſophi in artibus nihil ſine demonſtratione vt immotum admittant.

Hic

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371.

13.

Hîc fœdiſsimè lapſus eſt Epicurus, qui cotemta amuſsi philoſophica errores multos in philoſophiam inuexit, & inter alios finem hominis eſse voluptatem: quod ſane potius in haris porcorum, quàm in ſcholis Philoſophorum didiciſse putandus eſt.

14.

In vita committitur mendacium pluribus modis, qui tametſi vix numerari poſsunt, tamen eos omnes ſub certis generibus comprehendere conabimur. Statuamus ergo huius mendacij quod in vita committitur quatuor genera.

15.

Primum, cùm quis ſola mentiendi libidene, non ſpectans ſuum vel aliorum commodum aut incommodum mentitur. Hoc genus mendacij ab Auguſtino merum men-

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dacium dicitur, vt quod nulla opinione commodi vel incommodi mixtum ſit.

16.

Secundum, cùm quis ſui ipſius gratia mentitur, ſiue id fiat dictis ſiue factis, quales ſunt arrogantes, hypocritæ, diſsimulatores, à quibus vicijs alienus αὐθέκαστος à Philoſopho dicitur, hoc eſt, qui dictis & factis ſuis ſibi per omnia ſimilis eſt, nec quicq̃ fingit, ἀλλ᾽ ἑκάστοτε ὁ αὐτός manet.

17.

Tertium, cùm quis propter alios mentitur. Atque huius generis quatuor ſunt gradus.

18.

Primus gradus eſt, cùm ſolummodo voluptas auditorum ſpectatur, & vocatur græcis εὐτραπελεία, quam Ariſtoteles virtutibus, Paulus verò vicijs annumerat. Hoc quidam ioco-

ſum

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ſum mendacium nominant.

19.

Secundus gradus, cùm tantum commodum aliquod ſpectatur, ſine alicuius damno. Hoc interdum verum occultatur quod dici oportuit, & falſum dicitur quod non oportuit. Hoc nonnulli officioſum mendacium appellant. Cum tamen contra officium pij hominis eſt, vllam ob cauſam mentiri.

20.

Tertius gradus eſt, cùm ſolummodo damnum ſpectatur eius de quo quis loquitur. Huic gradui ſubijciuntur, detractio, contumelia, deriſio, ſuſurratio, quæ in hunc modum diſtinguuntur.

21.

Detractio eſt, qua abſentis vita apertè roditur, quæ ab odio vel inuidia nata, tendit in eius infamiam, cui detrahitur.

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22.

Contumelia eſt qua præſentis honori aliquid dictis vel factis iniuſtè detrahitur, quaque indignus ignominia afficitur.

23.

Deriſio eſt qua alicuius dictum aut factum contemptus cauſa in riſum iocumque trahitur iniuſtè.

24.

Suſurratio eſt occulta & inſidioſa oratio de abſente, cuius finis eſt diſcordiam inter amicos ſeminare.

25.

Quartus gradus eſt cùm vtrumque ſpectatur, videlicet commodum & damnum. Hoc eſt cùm quis mentitur, vt proſit vni & noceat alteri, Huic gradui fraudem & dolum ſubijcio.

26.

Quartum cùm quis contra alios

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mentitur aut falſum dicit, idque in iudicio. Superiora enim omnia vt fiunt extra iudicium accipimus. Hoc autem quartum genus præcipuè hoc præcepto octauo interdicitur, cùm cætera ad ſuperiora quoque præcepta referuntur.

27.

Hoc genus committitur in iudicio, nunc accuſatione falſa, nunc teſtimonio falſo, nunc inficiatione falſa, nunc defenſione falſa, nunc ſententia falſa.

28.

Reus eſt igitur violatæ huius legis, & qui falſò fictèque accuſat, & qui falſum teſtimonium dicit, & qui verum negat, & qui defendit iniuſta, & qui iudicat malè. Huic mendacij generi ſubijcitur συκοφαντία.

29.

Eſt autem συκοφαντία *calumnia*

qua

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qua quis vel fictè accuſat, vel vera crimina celat, vel tergiuerſatur quo ſententiam iudicis eludat.

30.

Atque hactenus de generibus mendaciorum dictum ſit, quibus omnibus veritas opponitur, quæ in omni re honeſta & laudabilis eſt, quemadmodum mendacium malum vicioſumque ſemper exiſtit.

31.

Eſt autem veritas cum dictum aut factum cum re conſentit, vel ſubiecta vel ſignificata: cuius cum firma ſit προαίρεσις in voluntate maxima virtus eſt, qua homo conſtanter amplectitur veras ſententias, dicit vera, ſeruat pacta, in ſermone & geſtu vitat inſidioſas occultationes.

32.

Veritati ancillantur amor veritatis, candor, docilitas, vera gloria,

ma-

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modeſtia, temperantia Linguæ, & multæ aliæ virtutes, quæ vicijs in mendacij generibus enumeratis opponuntur.

33.

Porro quoniam mendacium eſt quiddam ἀκατάληπτον *(vt loquuntur) nulla quæ aliquid veri ſignificant ſub dictis vel factis qualibuſcunque mendacia ſunt dicenda, ſed ſchemata ſermonis, ſub quibus veritas continetur.*

34.

Chriſtus ergo cùm apparet in forma peregrini, non committitur mendacium. Nam illa forma peregrinãtis ſignificat Chriſtum in ſuis membris peregrinari in hoc mundo, & non habiturum ſtabilem manſionem. Nec quod finxit ſe longius ire, mendacium erat. Nam iſta fictione ſignificat ſe diſceſſurum ab illis, qui ſe docentem fide non recipiunt.

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35.

Similiter multa Prophetica dicta & facta mendacijs ſimilia ſunt, ſed cum referuntur ad eas res quas ſignificandas ita vel dicta vel facta ſunt, reperiuntur ſignificationes eſſe veraces, atque ideo nullo modo mendacia eſſe dicenda.

36.

Similiter tropi vt metaphora, metonymia, allegoria, εἰρωνία, hyperbolæ &c. Item parabolæ, apologi, fabulæ, quibus vera & non falſa ſignificantur, non mendacia, ſed veritatis inſtrumenta ſunt iudicanda.

QVÆSTIONES.

An iudici allegata & probata præferenda ſint propriæ conſcientiæ in ſententia ferenda, nec ne.

ὑπεύθυνος ac
ἀνυπεύθυνος

An

371.

An publica fama longo tempore confirmata, vice teſtis eſſe poſſit contra aliquem, nec ne.

An magiſtratus cognito crimine debeat expectare accuſatorem, an non.

publica fama accuſat

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